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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,785	05/27/2004	John M. Tiesler	03955	3784
36547	7590	11/25/2005		
BIR LAW, PLC 45094 MIDDLEBURY CT. CANTON, MI 48188-3215			EXAMINER DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-1

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/709,785	TIESLER, JOHN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Meghan K. Dunwiddie	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/27/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on May 27, 2004 by **Tiesler**.

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on May 22, 2004 is in compliance with the provisions of 37 CFR 1.97, and accordingly, has been considered by the examiner.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- There is no **line A-A** in Figure 4 [See page 5 paragraph [0010] line 1 and page 5 paragraph [0011] line 1]
- There is no **line B-B** in Figure 4 [See page 5 paragraph [0012] line 1]
- There is no element **30'** in Figure 3 [See page 9 paragraph [0016] line 2]
- There is no element **42'** in Figure 3 [See page 9 paragraph [0016] line 14]
- There is no element **52** in Figure 4 [See page 10 paragraph [0017] line 4]
- There is no element **26** in Figure 4 [See page 10 paragraph [0017] line 5]
- There is no element **20** in Figure 4 [See page 11 paragraph [0017] line 2]

- There is no **reflector portion** shown in Figure 4 [See page 11 paragraph [0017] lines 3-4]
- There is no element **68** in Figure 4 [See page 11 paragraph [0017] line 4]
- There is no element **70** in Figure 4 [See page 11 paragraph [0017] line 8]
- There is no element **46** in Figure 4 [See page 11 paragraph [0017] line 16]
- There is no element **66** in Figure 4 [See page 11 paragraph [0018] line 1]
- There is no element **74** in Figure 4 [See page 11 paragraph [0018] line 3]
- There is no element **82** in Figure 4 [See page 12 paragraph [0019] line 7]
- There is no element **94** in Figure 5 [See page 13 paragraph [0020] line 17]

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

- The **plurality of snap features or retaining members** should be labeled as element **60**, not element **62** [See page 10 paragraph [0017] line 8-9 and See page 14 paragraph [0021] lines 13-14]. It appears that element **62** is the **lamp housing retainer ring**.
  - The **reflector portion** is incorrectly labeled as element **64** [See page 11 paragraph [0017] lines 3-4]. It appears that element **64** is the **flange**.
  - The **push/push latch assembly** should be labeled as element **90**, not element **92** [See page 14 paragraph [0021] line 7]. It appears that element **92** is the **integrated switch** as shown in Figure 4.
  - The **retainer ring** should be labeled as element **62**, not element **72** [See page 14 paragraph [0021] line 13]. It appears that element **72** is the **switch striker rib**.
5. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Litke et al. (US 6092917)**.

8. In reference to Claim 1, **Litke** et al. shows a dual function console lamp [See Figure 1] comprising:

- A bezel having at least one lamp housing aperture [Figure 2: (16)];
- A lamp housing having eccentrically positioned outwardly extending collinear pivot pins that allow the lamp housing to pivot from a retracted dome lighting position a plane generally normal to the bezel, out of the plane to an extended reading light position [See Figure 2];
- A retainer for rotatably securing the lamp housing to the bezel so that the lamp housing can rotate in the plane generally normal to the bezel [See Figure 2];
- And a switch operated by movement of the lamp housing between the retracted and extended positions [Figure 2: (24)].

9. In reference to Claim 2, **Litke** et al. shows:

- A manually operated switch to control illumination of a lamp within the lamp housing when the lamp housing is in the retracted position [Figure 2: (24)].

10. In reference to Claim 3, **Litke** et al. shows:

- The lamp housing includes a reflector portion and a lens portion, the lens portion being substantially flush or recessed relative to surrounding portions of the bezel when in the retracted position [See Figure 2].

11. In reference to Claim 8, **Litke** et al. shows:

- The retainer includes a latching assembly to releasably hold the lamp housing in the retracted position [See Figure 2].

12. In reference to Claim 9, **Litke** et al. shows:

- A spring positioned to exert a moment about the pivot pins to oppose movement from the extended to the retracted position [See Figure 2 and column 3 lines 43-49].

13. In reference to Claim 10, **Litke** et al. shows:

- The housing includes a striker rib that actuates the switch when the housing assembly moves between the extended and retracted positions [Figure 2: (52)].

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Litke** et al. (US 6092917) in view of **Clayton** (US 2996608).

16. Regarding Claim 4, **Litke** et al. shows:

- The lamp housing includes a reflector portion and a lens portion [Figure 2: (26 and 28) and (42)]

17. **Litke** et al. does not show:

- The lens portion having a dimple feature to facilitate movement of the lamp housing between the retracted and extended positions.

18. **Clayton** teaches:

- The lens portion having a dimple feature to facilitate movement of the lamp housing between the retracted and extended positions [Figure 4: (66) and column 4 lines 5-7].

19. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the console lamp of **Litke** et al. with a dimple feature on the lens portion as taught in **Clayton** for the purpose and advantage of having the ability to move and rotate the lamp to illuminate a more specific location.

20. Regarding Claim 5, **Litke** et al. shows:

- The lamp housing includes a reflector portion and a lens portion [Figure 2: (26 and 28) and (42)]



21. **Litke et al.** does not show:

- The lens portion having a protrusion to facilitate rotation of the lamp housing in the plane generally normal to the bezel.

22. **Clayton** teaches:

- The lens portion having a protrusion to facilitate rotation of the lamp housing in the plane generally normal to the bezel [Figure 4: (66) and column 4 lines 5-7].

23. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the console lamp of **Litke et al.** with a protrusion on the lens portion as taught in **Clayton** for the purpose and advantage of having the ability to move and rotate the lamp to illuminate a more specific location.

24. Claims 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Litke et al.** (US 6092917) in view of **Suman et al.** (US 5070434).

25. Regarding Claim 17, **Litke et al.** shows a dual function console lamp for a vehicle interior [See Figure 1] comprising:

- A bezel defining a first plane [See Figure 2];
- And a switch operable by movement of the housing [Figure 2: (24)].

26. **Litke et al.** does not show:

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- A housing disposed within an aperture of the bezel and adapted to receive a lamp, the housing being pivotable about a first axis to extend at an angle out of the first plane relative to the bezel to provide illumination to a first target area and to retract substantially flush with the bezel in the first plane to provide illumination to a second target area, the housing being rotatable within the first plane about a second axis.

27. **Suman et al.** teaches:

- A housing disposed within an aperture of the bezel and adapted to receive a lamp, the housing being pivotable about a first axis to extend at an angle out of the first plane relative to the bezel to provide illumination to a first target area and to retract substantially flush with the bezel in the first plane to provide illumination to a second target area, the housing being rotatable within the first plane about a second axis [See Figures 5 and 6].

28. It would have been obvious for one of ordinary skill in the art, at the time of the invention to have the housing of the lamp in **Litke et al.** be pivotable as taught in **Suman et al.** for the purpose and advantage of creating a larger range of the area within the vehicle to be illuminated.

29. Regarding Claim 19, **Litke** et al. and **Suman** et al. shows the claimed invention as cited above, and teaches a spring arranged to provide a force tending to move the housing out of the first plane [See Figure 2 and column 3 lines 43-49].

30. It would have been obvious for one of ordinary skill in the art, at the time of the invention to have the housing of the lamp in **Litke** et al. be forced out of the first plane by a spring as taught in **Suman** et al. for the purpose and advantage of creating a larger range of the area within the vehicle to be illuminated.

31. Regarding Claim 20, **Litke** et al. and **Suman** et al. shows the claimed invention as cited above, and teaches a latching mechanism operable to selectively hold the housing in the first plane against the force of the spring [See Figure 2 and column 3 lines 43-49].

32. It would have been obvious for one of ordinary skill in the art, at the time of the invention to have the housing of the lamp in **Litke** et al. be forced out of the first plane by a spring and then held in place by a latching mechanism as taught in **Suman** et al. for the purpose and advantage of creating a larger range of the area within the vehicle to be illuminated.

***Allowable Subject Matter***

33. Claims 11-16 are allowed.

34. Claims 6, 7, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD

  
Stephen Husar  
Primary Examiner